TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 931.

THE UNITED STATES, PLAINTIFF IN ERROR,

vs.

ONE STILL AND OTHER PROPERTY, BURTON M. FORD, WALTER W. OLIVER, AND JAMES CONNER, CLAIMANTS.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

FILED OCTOBER 21, 1878.

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INDEX.

	Original.	Print.
Information	2	1
Monition	11	4
Petition of Ford et al	19	6
Bond	24	8
Answer of claimants	27	9
Judgment	28	10
Motion	32	11
Petition of B. M. Ford	35	12
Exhibit A (affidavit of G. G. Russell)	43	14
Order opening judgment	54	18
Amended answer	57	19
Demurrer	61	20
Replication	64	21
Demurrer	68	22
Judgment of district court	71	23
Clerk's certificate	73	23
Judgment of circuit court	75	24
Clerk's certificate	76	24
Writ of error	77	24
Citation	78	25

1 Pleas in the circuit court of the United States for the northern district of Illinois, held at the United States court rooms in the city of Chicago, in the district aforesaid, before the judges thereof, on Monday, the thirtieth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, and of our Independence the one hundred and third year.

WILLIAM H. BRADLEY, *Clerk.*

THE UNITED STATES OF AMERICA
v.
ONE STILL AND OTHER PROPERTY.

NORTHERN DISTRICT OF ILLINOIS, *ss:*

Be it remembered that on the 22d day of June, A. D. 1878, came the United States of America, by Mark Bangs, its attorney, and filed in the office of the clerk of the circuit court of the United States for the northern district of Illinois, at Chicago, in the district aforesaid, a transcript of the record of the proceedings had in the district court of the United States for said northern district of Illinois in said entitled cause, which said transcript is in the words and figures following, to wit:

2 Pleas in the district court of the United States for the northern district of Illinois, held at the United States court rooms in the city of Chicago, in the district aforesaid, before the Hon. Henry W. Blodgett, judge of said court, on Thursday, the thirteenth day of June, in the May term of said court, in the year of our Lord one thousand eight hundred and seventy-eight, and of our Independence the one hundred and second year.

WM. H. BRADLEY, *Clk.*

Information.

THE UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY.

Be it remembered that on the tenth day of August, in the year of our Lord eighteen hundred and seventy-five, came J. D. Ward, attorney of the United States of America, and filed in the office of the clerk of the district court of the United States for said district, at Chicago, in
3 the district aforesaid, his information; which said information is in the words and figures following, to wit:

4 District court of the United States of America for the northern district of Illinois.

Be it remembered, that on the tenth day of August, in the year of our Lord eighteen hundred and seventy-five, J. D. Ward, attorney of the United States for the northern district of Illinois, comes into the district court of the United States of America for the northern district of Illinois, and in the name and on behalf of the United States of America gives the said court here to understand and be informed that heretofore, to wit, on the ninth day of August, in the year of our Lord eighteen hundred and seventy-five, to wit, at Chicago, in the northern district of Illinois, within the jurisdiction of this honorable court, one A. St. J. Campbell, who then and there was the deputy collector of the internal

revenue of the United States for the first collection district of the State of Illinois, did seize, as forfeited to the use of the United States, the goods, wares, and merchandise following, that is to say:

FIRST FLOOR.

1 gin still (copper, with).
1 double desk.
1 small walnut desk.
1 iron safe.
1 standing desk.
1 lounge.
8 chairs.
25 yds. Brus. carpet (worn).
2½ cases brandy.
⅛ cask Henessy brandy, 2 galls.
1/16 " Otard " 10 "
¼ " gin, 23 "
5 bbls. Hermitage rye whiskey, 38 galls. each.
10 " Nelson " " 50 " "
15 " Hermitage bourbon " 35 " "
⅛ cask Holland gin, 5 "
1 bbl. Nelson rye " 26 "
1 " " bourbon " 40 "
1 " rye high wines 21 "
2 " Thompson bourbon 40 " each.
9 " Nelson " 40 " "
3 " " rye 40 " "
5 " domestic whiskey 40 " "
1 " grape brandy 21 "
4 " Old Tom gin 40 "
1 " New England rum 40 "
1 " domestic bitters 7 "
1 " " rum 35 "
1 cask flavoring 20 "
6 1 cask prime wine, 40 galls.
1 " syrup, 80 "
1 cask coloring, 2 "
10½ " domestic whiskey, 23 " each.
5 " " " 42 " "
2 " Nelson bourbon whiskey, 42 " "
3 " domestic " 42 " "
1 standing desk.
1 chair.
1 receiving tank, gin (19 bbls.), 40 " "
1 " " spirits (10 "), 40 " "
1 " " " (7 "), 40 " "
5 " " employ.
1 " " alcohol (2½ bbls.), 40 " each, 188 proof.

2ND FLOOR.

5¼ casks Rudolph sherry, 40 galls. each.
⅝ " " " 20 " "
" Durant port, 45 " "
1 " cherry juice, 88 "

1 " " " 63 "
1 bbl. whiskey, 6 "
2 " B. B. brandy, 40 and 32 "
1 cask favorite port, 35 "
¼ " imperial sherry, 35 "
¼ " Loreto " 24 "
¼ " Oporto port, 30 "
1 bbl. Nelson bourbon whiskey, 32 "
1 " Hermitage " " 30 "
7 " Nelson " " 40 " each.
4 " " " " 10 " "
10 " Domestic Club, " 40 " "
10¼ casks favorite port, 40 " "
7 11⅛ casks favorite port, 20 galls. each.
6¼ " sherry, 32 " "
10⅛ casks " 14 " "
1 bbl. New England rum, 42 "
¼ cask De Kuyper gin, 20 "
⅛ " " " 20 "
2¼ " Nepture " 40 "
2⅛ " " " 20 "
3 bbls. Hermitage bourbon whiskey, 35 galls. each.
3 " " " " 30 " "
1 " McGibbon " 20 "
1 " cider brandy, 35 "
5 " Hermitage rye " 37 " "
3 " Catawba wine, 40 " "
22 bags juniper berries.
7 rectifiers (20 bbls. capacity each).
3 chargers.
24 bbls. spirits in rectifiers, 40 galls. each.
1 gin worm and tub.
2 empty (6-bbl. tubs).

3RD FLOOR.

3 water tubs.
27 casks charcoal.
50 bbls. Nelson bourbon whiskey, 40 galls. each.
18 " " rye " 40 " "
8 " Hermitage bourbon " 40 " "
12 " rye high wines, 40 " "
2 " " " " 6 " "

CELLAR.

1 locomotive boiler (15-horse power) and connections.
1 low-wine tub (15-bbls. capacity).
8 1 dumper (35 bbls. capacity).
1 grindstone and fixtures.
1 furnace.
1 lot (30) branding-irons.
1 " stencils.
1 straining-tub.
1 syrup tub.
551 empty barrels.
115 " ½ barrels.

30 " kegs.
66¾ do brandy casks.
103 1/4 " "

And now hath the same in his custody as being forfeited for the cause hereinafter mentioned, to wit:

For that at the time of such seizure, to wit, at Chicago, within said district, said distilled spirits were found elsewhere than in a distillery and distillery warehouse, not having been removed therefrom according to law, contrary to the form of the statute of the said United States in such case made and provided, whereby, and by force of said statute, the said distilled spirits have become and are forfeited to the said United States. For that, at the time of said seizure, to wit, at Chicago, within said district, said distilled spirits, rectified spirits, wines, and liquors were found by the said A. St. J. Campbell, deputy collector, in
9 the possession and custody and within the control of a person or persons to the said attorney unknown, for the purpose of being sold and removed by such person or persons, in fraud of the internal revenue law, and with the design to avoid the payment of the taxes thereon, contrary to the statutes of the said United States in such case made and provided, whereby, and by force of such statute, the said distilled spirits, rectified spirits, wines, and liquors have become and are forfeited to the said United States. For that, at the time of said seizure, to wit, at Chicago, within said district, the said still, tools, implements, instruments, and personal property were then and there found in the place or building and within certain yards and enclosures, where said distilled spirits, rectified spirits, and wines were found, as aforesaid, contrary to the form of the statute of the said United States in such case made and provided, whereby, force of said statute the said still, tools, implements, instruments, and personal property have become and are forfeited to the said United States.

And therefore, and by reason of all and singular the premises aforesaid, the said attorney of the United States, on behalf of the United States, prays the said court that due process issue to enforce the said forfeiture of the said property so seized, as aforesaid, and to give
10 notice to all persons concerned in interest to appear and show cause on the return day of said process why such forfeiture should not be decreed.

J. D. WARD,
Attorney for the United States
For the Northern District of Illinois.

(Endorsed:) Filed Aug. 10th, '75. Wm. H. Bradley, clk.

11 And thereupon, on the same day, to wit, August 10th, A. D. 1875, there was issued out of the clerk's office of said court a monition herein, which said monition and the return of the marshal thereon are in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

The United States of America to the marshal of the northern district of Illinois, greeting:

Whereas an information has been filed in the district court of the United States in and for the northern district of Illinois, on the 10th day of August, in the year of our Lord one thousand eight hundred and

seventy-five, by J. D. Ward, attorney of the United States for said district, and in the name and in behalf of the United States of America,
12 against 1 gin-still (copper, with pipes), 1 double desk, 1 small walnut desk, 1 iron safe, 1 standing desk, 1 lounge, 8 chairs, 25 y'ds Brus. carpet (worn), 2½ cases brandy, ¼ cask Hennesy brandy, 2 gall's; 1/12 do. Otard, 10 gal's; ¼ gin, 23 gal's; 5 bbls. Hermitage rye whisky, 38 gal's each; 10 bbls. Nelson rye, 50 gal's each; 15 Hermitage bourbon, 35 gal's each; ¼ cask Holland gin, 5 gal's; 1 bbl. Nelson rye, 26 gal's; 1 do. Nelson Bourbon, 40 gal's; 1 bbl. rye high wine, 21 gal's; 2 bbls. Thompson Bourbon, 40 each; 9 Nelson do., 40 gal's each; 3 bbls. Nelson rye, 40 gal's each; 5 bbls. domestic whisky, 40 gal's each; 1 bl. grape brandy, 21 gal's; 1 old Tom gin, 40 gall's; 1 bbl. New England rum, 40 gal's; 1 bbl. domestic bitters, 7 gal's; 1 domestic rum, 35 gal's; 1 cask flavoring, 20 gal's; 1 cask prune wine, 40 gal's; 1 cask syrup, 80 gal's; 1 coloring, 2 gal's; 10½ casks domestic whisky, 23 gal's each; 5 do., 42 gal's each; 2 casks Nelson Bourbon, 42 gal's; 3 casks domestic whisky, 42 gal's; 1 standing desk, 1 chair, 1 receiving-tank gin, 19 bbls., 40 gal's each; 1 receiving-tank spirits, 10 bbls., 40 gal's each; 1 receiving-tank spirits, 7 bbls., 40 gal's each; 5 receiving-tanks, empty; 1 tank alcohol, 2½ bbls., 40 gal's each, 188 proof; 5½ Rudolph sherry, 40 gal's each; 5½ do., 20 gal's each; ¼ Durand port, 45 gal's; 1 cask cherry-juice, 88 gal's; 1 do., 63 gal's; 1 bbl. whisky, 6 gal's; 2 bbls. B. B. brandy, 40 & 32 each; 1 cask Favorite port,
13 35 gal's; ¼ cask Imperial sherry, ¼ cask Loreto do., 24 gal's; ¼ cask Oporto port, 30 gal's; 1 bbl. Nelson Bourbon whisky, 32 gal's; 1 bbl. Hermitage, 30 gal's; 7 bbls. Nelson, 40 gal's each; 4 bbl. Nelson B. whisky, 10 gal's each; 10 bbls. Domestic Club, 40 gal's each; 10½ casks Favorite port, 40 gal's each; 11½ casks Favorite port, 20 gal's each; 6½ casks sherry, 32 gal's each; 10½ casks sherry, 14 gal's each; 1 bbl. New England rum, 42 gal's; ¼ cask DeKuyper gin, 20 gal's; ¼ do., 20 gal's; 2½ cask' Neptune gin, 40 each; 2½ do., 20 gal's each; 3 bbls. Hermitage Bourbon whisky, 35 gal's each; 3 bbls. do., 30 gal's each; 1 bbl. McGibbon whisky, 20 gal's; 1 bbl. cider brandy, 35 gal's; 5 bbls. Hermitage rye, 37 gal's each; 3 do. Catawba wine, 40 gal's each; 22 bags juniper berries, 7 rectifiers (20 bbls. capacity each), 3 chargers, 24 bbls. spirits in rectifiers, 40 gal's each; 1 gin worm & tub, 2 empty 6-bbl. tubs, 3 water tubs, 27 casks charcoal, 50 bbls. Nelson Bourbon whisky, 40 gal. each; 18 bbls. Nelson rye whisky, 40 gal's each; 8 bbls. Hermitage Bourbon, 40 gal's each; 12 bbls. rye highwines, 40 gal's each; 2 do., 6 gal's each; 1 locomotive boiler (15 horse-power) and connections; 1 low wine-tub, 15 bbls. capacity; 1 dumper (35 bbls. capacity), 1 grindstone & fixtures, 1 furnace, 1 lot (30) branding-irons, 1 lot stencils, 1 straining-tub, 1 syrup-tub, 551 empty barrels, 115 empty ½-barrels,
14, 15 30 empty kegs, 66½ empty brandy casks, 103 1/12 empty do., and causes in said information mentioned, and praying the usual process and monition of the said court in that behalf to be made, and that all persons having or pretending to have any right, title, or interest therein may be cited to appear and answer all and singular the matters in said libel articulately propounded, and that this court would be pleased to pronounce for the condemnation and forfeiture of said property, the damages alleged in said libel, besides costs of suit:

You are therefore commanded to attach the said property above described and to detain the same in your custody until the further order of this court respecting the same; and to give notice by publication for fourteen days previous to the day of trial, and by notice posted up in the most public manner for the space of fourteen days, at or near the

place of trial of such seizure and information to all persons claiming the said property, or knowing or having anything to say why this court should not pronounce against the same, according to the prayer of the said information, and that they be and appear before the said court, to be holden in and for the northern district of Illinois, at the United States court room, in the city of Chicago, in said district, on the first Monday in September next, if that be a day of jurisdiction, if not, then on the first day of jurisdiction thereafter, at 10 o'clock in the forenoon of that day, and there and there to interpose claim to the same, and to make their allegations in that behalf.

16 And what you shall have done in the premises do you then and there make return, together with this writ.

Witness the Honorable Henry W. Blodgett, judge of said court, this 10th day of August, in the year of our Lord one thousand eight hundred and seventy-five, and of our Independence the 100th year.

[SEAL.] WM. H. BRADLEY, *Clerk*.

17 By virtue of the within writ I took possession of all the within described property on the tenth day of August, A. D. 1875, and upon the same day the claimants of said property having given good and sufficient bond, which was approved by the court, I released said property from custody. I have also given notice, as therein commanded, by publication in the Chicago Evening Journal, fourteen days previous to the day of trial, and by posting notices in the most public manner.

R. H. CAMPBELL,
U. S. Marshal.
By T. R. BIRD, *Deputy*.

Service, 2.00; mileage, 18; publication, 24.00—26.18.

(Endorsed:) Filed August 16th, A. D. 1875. Wm. H. Bradley, clerk.

18 And on the same day, to wit: August 16th, A. D. 1875, there was filed in the said court a petition, inventory, and bond for the release of said property, which said petition, inventory, and bond are in words and figures following, to wit:

19 District court of the United States, northern district of Illinois.

THE UNITED STATES
vs.

The claim and petition of Benton M. Bond, William W. Oliver & James Comer, copartners under the firm name of B. M. Bond, Oliver & Co., in the matter of the information filed herein in behalf of the United States against the receiving establishment and appurtenances and other property therein, being No. 35 South Water street, situate in Chicago, Illinois, states as follows:

That the said B. M. Bond, Oliver & Co. are the true and bona fide owners of the said above-named establishment and property seized herein as aforesaid.

That the business of the said B. M. Bond, Oliver & Co. will suffer great injury, derangement, and loss, and the custody of said property seized will be attended with great loss and expense, unless the said

property so seized be released upon a bond, to be approved by this court.

And your petitioners therefore pray that the said property so seized may be released upon the execution of such bond.

20 UNITED STATES OF AMERICA,
Northern District of the State of Illinois, ss.:

Burton M. Ford, being duly sworn, deposes and says he is a member of the firm of B. M. Ford, Oliver & Co., the petitioners in the above petition named; that he has heard read said petition, and knows the contents thereof, and that the same is true.

BURTON M. FORD.

Sworn & subscribed before me this 10th day of August, 1877.

WM. H. BRADLEY, *Clerk.*

(Endorsed:) Filed August 10th, 1877. Wm. H. Bradley, clerk.

12	12½ bbls. domestic whisky	12	230		290 00
	2	12	210		252 00
	Nelson Bourbon, (Belonging to Maxtum & Winter, Mem-	12	84		128 00
	Domestic whisky ... (phis, Tennessee.	12	120		135 20
	copper still, with pipes, capacity 20 bbls				100 00
					4,866 24
	standing desk				5 00
	bale				5 00
	10 bbls. (receiving tubs, etc.	9	750		886 00
	10 bbls. (spirits	9	480		472 00
	6 bbls. (	9	288		320 40
	empty				60 00
12	alcohol	9	138	138	221 84
					6,853 32
	STONE FLOOR.				
	2 casks Pendergast berry	4	230		150 00
	2	12	180		75 00
	Dixon port	15	15		27 00
	berry juice	8	8		32 00
	berry juice	8	8		17 00
	1 bbl. whisky	6	60		12 00
	2 berry brandy	6 72	72		64 00
					7,242 72
	1 cask Favorite port	5	15		21 00
	1 cask Imperial sherry	5	15		28 25
	Lorco sherry	24	24		24 00
	Oporto port	8	8		22 50
	1 bbl. Nelson Bourbon	12	12		19 00
	1 Hermitage	8	8		16 00
	Nelson	4	200		144 00
		10	10		14 00
	1 bbl. Domestic Gin Bourbon	4	160		180 00
2	2½ casks Favorite port	4	160		300 00
					8,732 47
11		9	220		165 00
4	sherry	2	192		105 00
10		1	10		77 00
1	1 bbl. New England rum	12	12		12 50
1	1 cask Jerseypec gin	9	9		60 00
		9	9		60 00
2	Neptune gin	4	80		240 00
2		9	40		120 00
1	1 bbls. Hermitage Bourbon	5	195		210 00
1	Hermitage Bourbon	9	99		144 00
1	Medibben	9	9		15 05
1	olue (rum	5	15		15 00
5	Hermitage rye	7	135		105 20
1	Catawba wine	4	120		60 00
2	1 bags (juniper berries				60 00
7	7 cedrigs (32 bbls. capacity)				15 00
1	1 cargers				15 00
24	6 bbls. spirits in receivers	4	60		1,132 80
1	1 gin, worm, & tub				50 00
2	6 bbl. tubs (empty)				5 00

THIRD FLOOR.				
3 water tubs				24 00
27 casks charcoal				33 75
50 bbls. Nelson Bourbon	40	2,000		3,000 00
18 " " rye	40	720		1,080 00
8 " Hermitage Bourbon	40	320		528 00
12 " rye high-wines	40	480		566 40
2 " " "	6	12		14 16
23 CELLAR.				
1 locomotive boiler (15 horse-power) & connections				100 00
1 low-wine tub (15 bbls. capacity)				3 00
1 dumper (35 " ")				10 00
1 grindstone & fixtures				3 00
1 furnace				25 00
1 lot of branding irons (30)				1 00
1 " " stencils				1 00
1 straining tub (5 bbls)				1 50
1 syrup " "				2 50
551 empty bbls				688 75
115 " ½ "				115 00
30 kegs				22 50
66¼ empty brandy casks				99 00
103⅛ " " "				154 50
				$18,240 28

We have this day appraised the stock of B. M. Ford, Oliver & Co., 35 S. Water s't, and hereby certify that the above is a correct appraisal to the best of our knowledge and belief.

Chicago, Aug. 10, 1875.

MICHAEL KEELEY,
WILLIAM WEADLEY,
CHARLES HIGGINS,
Appraisers.

Sworn and subscribed before me this 10th day of August, 1875.

A. S. J. CAMPBELL,
Dep't'y Col'r.

(Endorsed:) Filed Aug. 10th, 1875. W'm H. Bradley, clerk.

24 In the district court of the United States for the northern district of Illinois.

Know all men by these presents that Burton M. Ford, Williard W. Oliver and James Connor, comprising the copartnership firm of B. M. Ford, Oliver & Co., principals, and Henry F. Billings, James Bodle, Patrick Cavanagh, and Isaac M. Lilly, sureties, are held and firmly bound unto the United States of America in the penal sum of thirty-six thousand four hundred and eighty-one dollars, lawful money of the United States of America, to which payment well and truly to be made we bind ourselves and each of us jointly and severally, firmly by these presents, dated and sealed with our seals this tenth day of August, A. D. 1875.

Whereas the rectifying establishment of said B. M. Ford, Oliver & Co., situate in the city of Chicago, in said northern district of Illinois, known as number thirty-five South Water street in said city, together with the appurtenances, also the whiskies, wines, rum, and gin, fixtures, tools and implements, and other property of said firm, have been seized and are now in the custody and under the control of said court for alleged violation of the internal revenue laws of the United States, all of which said property has been appraised by appraisers appointed by the district court of the United States for the northern district of

Illinois, in the aggregate sum of eighteen thousand two hundred and forty and $\frac{28}{100}$ dollars, as more fully appears by said appraisal and the proceedings herein on file in said court; and whereas the said B. M. Ford, Oliver & Co., as claimants of said property, are desirous of releasing the same from said seizure:

Now, therefore, the condition of this obligation is such that if the above-described property, or any part thereof, be adjudged to be forfeited by said district court, or any court to which said cause may be removed, and if the above B. M. Ford, Oliver & Co. shall pay to the proper officers of the United States or into the said district court the said full appraised value of said property, or of so much thereof as may be adjudged to be forfeited, as aforesaid, then this obligation to be void, otherwise to remain in full force and effect; and in case of failure to perform the above condition and pay said appraised value, or so much thereof as may be adjudged forfeited, we hereby consent and agree that a summary judgment and decree may be entered against us, and each of us, without notice, for the said appr'ised value of the property forfeited, with interest thereon, in accordance with the usual practice in proceedings for condemnation, and that execution may issue thereon against our goods, chattels, and land for the payment of said judgment and interest as aforesaid.

B. M. FORD, OLIVER & CO. [SEAL.]
BURTON M. FORD. [SEAL.]
JAMES CONNOR. [SEAL.]
HENRY F. BILLINGS. [SEAL.]
JAMES B. BODLE. [SEAL.]
PAT. CAVANAUGH. [SEAL.]
ISAAC N. LILLY. [SEAL.]

In presence of—
WM H. BRADLEY, *Clk.*

(Endorsed:) Filed Aug. 10th, '75. W'm H. Bradley, clerk.

And afterwards, to wit, on the seventh day of October, A. D. 1875, the said claimants filed their answer to said information, which said answer is in words and figures following, to wit:

United States district court, northern district Illinois.

THE UNITED STATES
vs.
ONE STILL AND OTHER PROPERTY.

And now comes Burton M. Ford, Williard W. Oliver, and James Connor, claimants of the property heretofore seized in this cause, and whose claim has been heretofore filed herein, and for answer to the information filed herein, and to each article thereof, I deny, and propound as follows:

First. That it is not true, as in the said information is mutually alleged and pleaded.

Second. Wherefore the said respondents pray that the said property seized herein may be adjudged to be restored to them and the said information dismissed.

SIDNEY SMITH,
Att'y for Claimants.

(Indorsed:) Filed Oct. 7, 1875. W'm H. Bradley, clerk.

28 And afterward, to wit, on the 6th day of April, being of the March term, A. D. 1876, in the proceedings of said court in said cause appears the following entry, to wit:

THE UNITED STATES OF AMERICA } Information.
vs.
ONE STILL & OTHER PROPERTY. }

Now comes the district attorney, and also come Burton M. Ford, Williard W. Oliver, and James Connor, claimants herein, by Sidney Smith, their attorney, and withdraw their appearance and answer herein.

And thereupon proclamation was made for all parties having any claim, right, title, or interest in the property seized herein, to come forward and make the same known or default would be entered. And all persons failing to appear:

It is thereupon considered by the court that the defaults of all such persons be, and they are hereby, accordingly entered.

It is thereupon ordered, adjudged, and decreed by the court that the property and goods described in the information and seized herein,

29 to wit: 1 gin-still (copper with paper); 1 double desk; 1 small walnut desk; 1 iron safe; 1 standing desk; 1 lounge; 8 chairs; 25 yds. brus. carpet (worn); 2½ cases brandy; ½ case Hennesy brandy; 2 gals. 1-16 do.; Otard 10 gals.; ¼ gin, 23 gals.; 5 bbls. Hermitage rye whisky, 38 gals. each; 10 bbls. Nelson rye, 50 gals. each; 15 bbls. Hermitage bourbon, 35 gals. each; ½ cask Holland gin, 5 gals.; 1 bbl. Nelson rye, 26 gals.; 1 do., Nelson bourbon, 40 gals.; 1 bbl. Rye high wine, 21 gals.; 2 bbls. Thompson bourbon, 40 gals. each; 9 bbls. Nelson bourbon, 40 gals. each; 3 bbls. Nelson rye, 40 gals. each; 5 bbls. domestic whisky, 40 gals. each; 1 bbl. grape brandy, 21 gals.; 1 bbl. Old Tom gin, 40 gals.; 1 bbl. New England rum, 40 gals.; 1 bbl. domestic bitters, 7 gals.; 1 bbl. domestic rum, 35 gals.; 1 cask flavoring, 20 gals.; 1 cask prune wine, 40 gals.; 1 cask syrup, 80 gals.; 1 coloring, 2 gals.; 10½ casks domestic whisky, 23 gals. each; 5 do., 42 gals. each; 3 casks Nelson bourbon, 42 gals. each; 3 casks domestic whisky, 42 gals.; 1 standing desk; 1 chair; 1 receiving-tank, gin, 19 bbls., 40 gals. each; 1 receiving-tank, spirits, 10 bbls., 40 gals. each; 1 receiving-tank, spirits, 7 bbls. 40 gals. each; 5 receiving-tanks, empty; 1 tank alcohol, 2½ bbls., 40 gals., each, 188 pro/ff; 5¼ casks Rudolph sherry, 40 gals. each; 5½ do., 20 gals. each; 1-14th Durand port, 45 gals.; 1 cask cherry juice, 88 gals.; 1 do., 63 gals.; 1 bbl. whisky, 6 gals.; 2 bbls. B. B. brandy, 40 & 32 gals. each; 1 cask favorite port, 35 gals.; ¼ cask Imperial sherry; ¼ cask Loreto do., 24 gals.;

30 ¼ cask Oporto port, 30 gal's; 1 b'r'l Nelson Bourbon whisky, 32 gal's; 1 b'r'l Hermitage, 30 gal's; 7 b'r'ls Nelson, 40 gal's each; 4 b'r'ls Nelson Bourbon whisky, 10 gal's each; 10 b'r'ls Domestic Club, 40 gal's each; 10¼ casks favorite port, 40 gal's each; 11½ casks favorite port, 20 gal's each; 6¼ casks sherry, 32 gal's each; 10½ casks sherry, 14 gal's each; 1 bbl. New England rum, 42 gal's; ¼ cask De Kuyper gin, 20 gal's; ½ do., 20 gal's each; 2¼ Neptune gin, 40 gal's each; 2½ do., 20 gal's each; 3 bbl's Hermitage Bourbon whisky, 35 gal's each; 3 bbl's do., 30 gal's each; 1 bbl. McGibbon whisky, 20 gal's; 1 bbl. cider brandy, 35 gal's; 5 bbl's Hermitage rye, 37 gal's each; 3 do. Catawba wine, 40 gal's each; 22 bags juniper berries; 7 rectifiers (10 bbl's capacity each); 3 chargers; 24 bbl's spirits in rectifiers, 40 gal's each; 1 gin tub and worm; 2 empty 6-bbl. tubs; 3 water tubs; 27 casks charcoal; 50 bbl's Nelson Bourbon whisky, 40 gal's each; 18 bbl's Nelson rye whisky, 40 gal's each; 8 bbl's Hermitage Bourbon, 40 gal's

each; 12 bbl's rye high-wines, 40 gal's each; 2 do., 6 gal's each; 1 locomotive boiler (15 horse-power and connections); 1 low-wine tub, 15-bbl. capacity; 1 dumper (35-bbl. capacity); 1 grindstone and fixtures; 1 furnace; 1 lot (30) branding-irons; 1 lot stencils; 1 straining-tub; 1 syrup-tub; 551 empty barrels; 115 empty half-barrels; 30 empty
31 kegs; 66½ empty brandy-casks; 103 1-16 empty do., be, and the same are hereby, condemned and forfeited to the United States.

And it appearing to the court that the said property and goods had been released to the claimants thereof upon bond and stipulation given by them for the release of said goods and property as aforesaid, and on motion of the district attorney for judgment upon said bond; it is thereupon considered by the court that a summary judgment be, and the same is hereby, accordingly entered against Burton M. Ford, Williard W. Oliver, and James Connor, as principals, and Henry F. Billings, James B. Bodle, Patrick Cavanaugh, and Isaac N. Lilly, as sureties, in the sum of thirty-six thousand four hundred and eighty-one dollars, being the amount of the penalty of said bond given for the release of said property, and that execution issue therefor, to be satisfied and discharged upon the marshal making thereon the sum of eighteen thousand two hundred and forty dollars and twenty-eight cents, being the appraised value of said property so released, together with interest thereon and costs.

32 And afterwards, to wit, on the twenty-seventh day of February, A. D. 1877, being of the December term, A. D. 1876, in the record of the proceedings of said court in said cause appears the following entry, to wit:

FEB. 27TH, 1877.

UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY. } Information.

Now come the claimants of said property, by Leonard Swett, their attorney, and on his motion, and with the consent of the district attorney, it is ordered by the court that the judgment of forfeiture against said property and the judgment on the bond for the release of the same, entered on the sixth day of April last, be so far opened for the purpose only of allowing said claimants to interpose their respective defenses, with the understanding and agreement upon their part that the lien of said judgment remain unchanged.

33 And afterwards, to wit, on the sixteenth day of May, being one of the judicial days of the May term, A. D. 1877, of said court, in the record of the proceedings of said court, in said entitled cause, appears the following entry, to wit:

MAY 16, 1877.

THE UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY. } Information.

Now come the parties, by their attorneys, and on motion of the district attorney, it is ordered by the court that the order opening the judgment heretofore entered herein be set aside, and that said judgment stand in full force herein. And thereupon said defendants, by C. H. Reed, esq.,

their attorney, move the court to open said judgment, and for leave to interpose their defense herein.

34 And afterwards, to wit, on the eighteenth day of May, being of the May term, A. D. 1877, of said court, in the record of the proceedings of said court in said cause appears the following entry, to wit:

MAY 18, 1877.

THE UNITED STATES OF AMERICA
vs. } Information.
ONE STILL AND OTHER PROPERTY.

On motion, leave is given the sureties herein to file petition praying leave to plead herein.

35 And afterwards, to wit, on the second day of July, A. D. 1877, a petition was filed in said court, in said cause, which said petition is in words and figures following, to wit:

In the United States district court for the northern district of Illinois.

To the honorable Henry W. Blodgett, judge of said court:

Your petitioner, Burton M. Ford, being duly sworn, on his oath respectfully represents and says that on or about the 9th day of August, 1875, the officers of the United States seized one "still and other property," at Chicago, in said northern district, for alleged violations of the internal revenue laws of said United States, and that an information was thereupon filed against said "still and other property," in said court, by the United States attorney, and that your petitioner and Williard M. Oliver and James Connor claimed said property and gave a bond for its release, with Henry F. Billings, James B. Bodle, Patrick Cavanaugh, and Isaac N. Lilly, as sureties.

And that on the 6th day of April, A. D. 1876, a judgment was rendered by default against your petitioner and said Oliver, Connor, and said sureties for a penalty of $36,481, to be satisfied on payment
36 of one-half that sum, and that on or about the last of September, A. D. 1875, fifty barrels of distilled spirits were also seized by said officers for alleged violations of said revenue laws; and that an information was also filed by the United States attorney against said fifty barrels in said court, and that your petitioner and said Oliver and Connor also claimed said fifty barrels and gave a bond for its release, with Herman N. Pehlman and Patrick O'Neal as sureties.

And that on said 6th day of April, A. D. 1876, a judgment was rendered in said last-named cause against your petitioner, said Oliver, and Connor as principals, and said Pahlman and O'Neil as sureties, for $6,000.00 penalty, to be satisfied on payment of half that sum; and that said last-named judgment was also rendered by default, and that your petitioner and the other defendants above named made no defense in or to either of said suits, because they were led to believe, and did believe, that the said United States would not attempt to enforce the collection of said judgments, or either of them, for the reason of the agreement and arrangement hereinafter stated; and that in December, A. D. 1875, the attorneys for said United States in said causes became satisfied that a conspiracy then existed, and for a long time before then had ex-
37 isted, at Chicago, in said northern district, between certain dis-

tillers and government officers, whereby said United States had been, and then was being, defrauded out of large sums of money due the said United States as taxes on distilled spirits.

And that said attorneys desired to break up and destroy said conspiracy and punish those persons guilty of the same; and that it then and there became and was necessary, in order to destroy and break up said conspiracy, to obtain the testimony of your petitioner and others for and on behalf of the said United States. And that the said attorneys for said United States, viz, Mark Bangs, district attorney, and his associate counsel, then and there, to wit, in December, A. D. 1875, at said Chicago, agreed with your petitioner and others that if they would turn state's evidence, and become witnesses for the said United States and testify fully, fairly, and truthfully, and give the government all the aid they could to break up and destroy said conspiracy, and act in good faith towards the government in all respects, they would become friends of the government, and that it would be lenient with them, and would in the end release them from all liability to the government in said suits;

and that your petitioner was led to believe, and did believe,
38 from said agreement, that the said United States would not attempt to collect or enforce said judgments if he, your petitioner, would fully and faithfully keep and perform his part of said agreement.

And that your petitioner and said Oliver Conner and said sureties would have defended said suits if your petitioner had not relied upon said agreement, and would not have allowed said judgments to be obtained by default as aforesaid; and that your petitioner and said Oliver and Connor have each and all fully, fairly, truly, and faithfully kept and performed their part of said agreement. And that said judgments ought not to be enforced because of said agreement; and that it would be manifestly wrong, oppressive, and unjust to allow said United States to enforce, or attempt to enforce, the collection of said judgments or either of them, without first giving and allowing your petitioner and the other defendants an opportunity to interpose any defenses they may have in said suits.

Your petitioner on his oath further says that the said attorneys for the United States procured and obtained said judgments, as your petitioner was then informed and verily believed, and ever since has believed, in order to insure the good faith of your petitioner in tes-
39 tifying for the government in relation to the conspiracy aforesaid.

And that your petitioner has allowed said judgments to remain without taking action to have them opened, so that he and his said partners, Oliver and Connor, could interpose their defenses in said suits, for the reason that he and they fully believed and supposed the collections of said judgments would not be attempted by said United States because of the agreement aforesaid.

And that your petitioner verily believes that he and his said partners, Oliver and Connor, have a good, substantial, and complete defense in said suits if your honor will allow him and them to interpose the same, and that the said United States, by its attorney, now threaten to enforce the collection of said judgments in violation of said agreement, and that your petitioner and said Oliver and Connor were promised, in and by said agreement, entire criminal immunity of every kind for their alleged violations of said internal-revenue laws if they kept and performed their part of said agreement, and that they have fully and faithfully kept their part of the same by truthfully and fully testifying for said United States in relation to said conspiracy.

40 And that your petitioner and his said partners were rectifiers

at the time of said seizures, and were not distillers, and were not proceeded against as distillers, but as rectifiers and wholesale dealers.

And that your petitioner and his said partners, Oliver and Connor, did not owe said United States any tax or assessment of any kind at the time of said seizures, and were not liable to any tax or assessment of any kind except a special-license tax as rectifiers and wholesale dealers, which had, before the said seizures, been fully paid.

And that the property seized in said causes was the rectifying establishment and stock in trade of your petitioner and said Oliver and Connor as rectifiers and wholesale dealers as aforesaid, and that the attempted forfeiture of the property seized as aforesaid is a proceeding criminal in its nature, and is one kind of punishment for an alleged criminal offense, and is therefore included in the agreement for criminal immunity aforesaid.

And that your petitioner refers your honor to a true copy of an affidavit made by one Gholsen G. Russell, hereto attached, and that said Russell was one of the persons included in said agreement, and that before your petitioner turned state's evidence and became a witness for the United States, said Russell informed him of the statements con-

41 tained in said affidavit of said Russel, and that your petitioner, upon information, believes said affidavit of said Russell to be true.

Wherefore your petitioner for himself and said Connor, Oliver, Bodle, Cavanaugh, Lilly, and Billings, prays your honor to open said judgments so as to allow them to interpose their legal defenses in said causes, but reserving the existing liens thereof.

BURTON M. FORD.

Subscribed and sworn to before me this 18th day of May, A. D. 1877.
[SEAL.] HUGH F. BIRCH,
Notary Public.

STATE OF ILLINOIS,
Cook County, ss :

Sidney Smith, being duly sworn, on his oath says that he was one of the attorneys for the defendants in the said causes mentioned in the above and foregoing petition of Burton M. Ford, and that he has read the said petition and believes the same to be true.

SIDNEY SMITH.

42 Subscribed and sworn to before me this 18th day of May, A. D. 1877.
[SEAL.] GEORGE M. VAN DOREN,
Notary Public.

43 EXHIBIT A.

STATE OF ILLINOIS,
Cook County :

Gholson G. Russell, being duly sworn, deposes and says that prior to the tenth day of May, A. D. 1875, he was a distiller, at Chicago, Illinois, and his distillery was seized by the revenue officers of the United States on or about the date aforesaid, for alleged violations of the internal revenue laws thereof.

In connection, among others, with Burton M. Ford, of the firm of Ford, Oliver & Co., rectifyers, at Chicago; Joseph Roelle and Anton Junker, of the firm of Roelle & Junker, distillers and rectifyers; George Miller, Egbert C. Leach, Henry C. Fredricks, and Cornelius C. Freder-

icks, stockholders in the Lake Shore Distillery, I employed as counsel Sidney Smith and Leonard Swett, and said counsel have acted for the parties above named from that time until the present time.

About the fourteenth day of December it was agreed between the persons named aforesaid and myself that I should negotiate on behalf of four distilleries and four rectifying houses, among which, as owners,
44 were this affiant and the parties above named, for immunity for themselves, on account of civil and criminal liability, by reason and in consideration of the fact that all of said parties should turn state's evidence, and give the government the facts within their knowledge in reference to a conspiracy which, for more than three years, existed in Chicago, for the purpose of defrauding the United States in regard to the collection of the revenue thereof. In reference to said negotiations, I agreed to act for all of said parties as a unit, and not to turn state's evidence myself, or negotiate for any one else except the same immunity obtained for one should be given to all.

Under this agreement made with the others, I first approached General J. D. Webster, then collector of internal revenue at Chicago.

The substance of the interview with General Webster was, that I proposed to him that all of the parties aforesaid should turn state's evidence, and should receive immunity, civilly and criminally.

This proposition General Webster, after trying to induce affiant to leave out a part of the number, declined.

The next conversation was with Bluford Wilson, at the Palmer House, at Chicago, in which I made substantially the same proposition, and which he declined. The reason given by Mr. Wilson why this
45 proposition was declined, was not because the government was not willing to make a trade like this, but because the immunity embraced too many. I had two or three interviews with Mr. Wilson at the Palmer House on this subject.

I then met by appointment of Mr. Wilson, Messrs. Dexter, Ayer, and Boutelle, special counsel for the government, and General Webster, collector, and A. C. Mathews, supervisor of the district.

The proposition I had formerly made was then again repeated by me, and it was determined to report the pendency of it, and recommend that Mr. Mathews be called to Washington to consult with the authorities there, and take affiant with him.

In a day or so Mr. Mathews was called to Washington, and I went with him. When we arrived at Washington Mr. Mathews and myself had an interview with Bluford Wilson, and I then made the proposition to him which I had made before.

Before going I had communicated the fact of my contemplated journey to Washington to Leonard Swett, and I promised him I would make no arrangement which did not include all the parties named, and which did not embrace both civil and criminal immunity. The result of the interviews at Washington was that the Treasury Department,
46 represented by Bluford Wilson, declined to make the arrangement proposed, but did determine to remit the question back to Chicago, with instructions to the government representatives to make such an arrangement as they might think best. It was, however, proposed to me at Washington to let me turn state's evidence and go entirely free if I would do it alone, and this I declined.

Before leaving Williard's Hotel to come home, Bluford Wilson came to the hotel, and after talking with Mr. Mathews alone, he came to me and said that whatever Mr. Mathews and I should agree upon would be carried out by the department.

Upon the route home Mr. Mathews and myself talked this subject over at length. He said to me that the government did not want to stipulate that we should go entirely free, on account of the hue and cry that might be raised about such a contract; but they were willing to facilitate our getting free, in fact, or getting us free through the forms of law. I do not pretend to state his language, but this is the substance of his conversation.

I had in all of my previous propositions demanded that we should go free without any plea of guilty in the criminal cases, and that the
47 condemnation cases should not be prosecuted against us. Mr. Wilson, before we left Washington, and Mr. Mathews, upon the route home, insisted that this was impracticable, but Mr. Mathews suggested, upon the journey home, that we might plead guilty, and that no sentence should be passed upon us, and that we should let judgment of confiscation go in the cases of the seizure of the distilleries and rectifying houses, but that the government would not bid upon our property if ever sold, and, as by turning state's evidence we would become friends of the government, no sale should be had at all unless popular opinion imperatively demanded it, and then the government would allow us to get our property at nominal amounts.

In the conversation, Mr. Mathews told me that even if the property were sold it need not be sold within a mile of the place where the property was located, and that the government would not bid upon it, and that even in the event of sales upon the judgments of confiscation the government would facilitate and secure the getting of the property by us for a merely nominal amount.

This arrangement, he said, would practically result in civil and criminal immunity. He said this arrangement was practically better than
48 mine, because if the cases were dismissed, after he was out of office they might be revived again, whereas if we plead and the condemnation cases should be closed out without anything but nominal payment, that would end the matter forever. Upon this assurance upon the part of Mr. Mathews, I agreed that I would, as soon as I reached Chicago, call a meeting of the parties interested and submit the proposition.

Immediately upon my return to Chicago I called a meeting of the parties in interest, and submitted to them the proposition of Mr. Mathews, and it was agreed that we would call upon our attorneys and ask them to confer with the officers of the government and the government counsel. After a consultation between our attorneys and the attorneys of the government, they reported that they had made an arrangement in reference to the criminal matters satisfactory to themselves, and that we might turn state's evidence, relying upon their judgment without requiring any explanation, but that in the civil matters the government required the withdrawal of the pleas in the confiscation case and that no definite agreement could be obtained as to what would be the result.

Our said attorneys stated that the government demanded the
49 right to enforce the confiscations, but after plea should be withdrawn, the sale, if any should ever be made, should be postponed until we could demonstrate that we had acted with the government in good faith, and until we could have time to apply to the government for a final release. That it was said we would become friends of the government, and it would be lenient with us and might release us altogether.

This being reported by the attorneys to the parties in interest, they became fearful that in the end their property might be confiscated, and

became dissatisfied with the arrangement and inclined to withdraw from it, and it was determined that I should again see Mr. Mathews in order to secure a more definite understanding in this respect.

I did again confer with Mr. Mathews for this purpose. He told me to conclude the arrangement with the attorneys for the government upon the terms they proposed, and if in the end any sale was demanded that he would do just exactly as he had agreed, and I might rely upon getting in the end civil as well as criminal immunity. I thereupon went back to the parties in interest and reported to them what Mr. Mathews said, and the assurances he gave, and thereupon they accepted the
50 terms offered, and our attorneys were instructed to close the arrangement with the attorneys for the government upon the terms upon which it was closed.

It is not my intention to convey the idea that the conversation and agreement with Mr. Mathews entered into or formed any part of the agreement made between the attorneys for ourselves and the government, or that the same was reported to the government attorneys at all. At the same time I am confident the arrangement would never have been made with the attorneys as it was made, unless Mr. Mathews had made the agreement with me which he did make; and I know that the distillers and rectifiers relied upon it in making the arrangement with the attorneys.

After this explanation, the counsel above named met the government counsel and concluded the arrangement as verified by Leonard Swett.

After the arrangement was perfected, I had frequent conversations with Mr. Mathews upon the subject, and he repeatedly, after that time, acknowledged the arrangement above stated.

Frequently, after such arrangement was made, Mr. Swett stated to me that he was fearful this part of the agreement made with Mr. Mathews would not be carried out, and this, among others, was the
51 cause of my frequently talking with said Mathews about said arrangement; and once I met Mr. Mathews with Mr. Swett in the ante-room of the United States attorney's office, and Mr. Mathews there acknowledged to Mr. Swett the arrangement substantially as above set forth.

After the distillers turned states' evidence, and after they had withdrawn their pleas in the condemnation cases, and when their property was liable to be sold, they repeatedly came and wanted me to arrange through Mathews to have it released, and I frequently talked with him upon this subject. Upon one occasion, when Bluford Wilson was in Chicago, I went to see Mr. Mathews to urge him to see Mr. Wilson and have this question of civil liability disposed of. After my conversation with Mr. Mathews upon this subject he went to the room of Bluford Wilson, at the Palmer House, stating to me that he would there have the matter determined. While he was in the room of said Wilson I waited below for his answer; and when he came from it he told me that he had seen Wilson and had talked the matter over, and that they did not see clearly how the matter could be done; but that he and Wilson had agreed it should in some way be done, so that in the end they should have nothing more than nominal amounts to pay.

GHOLSON G. RUSSELL.

52 Subscribed and sworn to before me this 14th day of September, A. D. 1876.

WILLIAM J. HERRICK,
Notary Public.

(Endorsed:) Filed May 18, 1877. W'm H. Bradley, clerk.

53 And afterwards, to wit, on the seventh day of July, A. D. 1877, being of the July term, A. D. 1877, in the record of the proceedings of said court in said cause appears the following entry, to wit:

JULY 7, 1877.

ONE UNITED STATES OF AMERICA
vs.
THE STILL AND OTHER PROPERTY. } Information.

On motion of claimants herein, by Charles H. Reed, esq., their attorney, it is ordered by the court that execution herein be stayed until the sixth day of August next.

54 And afterwards, to wit, on the sixth day of August, 1877, being of the July term, A. D. 1877, in the record of the proceedings of said court in said cause appears the following entry, to wit:

AUG. 6, 1877.

THE UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY. } Information.

Now comes the district attorney, and the said respondents come also by Edmund Jussen and Charles H. Reed, their attorneys, and the court having considered and being now fully advised, upon the motion of said respondents to set aside the judgment heretofore entered herein, to wit, on the 6th day of April, A. D. 1876, against the said Burton M. Ford, Williard W. Oliver, and James Connor, as principals, and Henry F. Billings, James Bodle, Patrick Cavanaugh, and Isaac N. Lilly, as sureties, upon the bond heretofore given for the release of said property, orders that the same be so far opened as to allow the said respondents to make their defense, but preserving the lien created by said judgment, and the execution issued therein; and it is further ordered that the marshal take no further action towards the collection of said judgment
55 upon said execution until the further order of the court.

56 And afterwards, to wit, on the fifteenth day of November, being of the October term, A. D. 1877, in the proceedings of said court in said cause appears the following entry, to wit:

THE UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY. } Information.

Now comes the district attorney, and now comes also the claimants of the property seized herein, by their attorneys; on motion of said claimants, by their attorneys, leave is given them to file an amended answer herein.

57 And on the same day, to wit, November fifteenth, A. D. 1877, there was filed in said court in said cause the amended answer of said claimants, which said amended answer is in the words and figures following, to wit:

United States district court for the northern district of Illinois.

UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY, FORD, Oliver & Co., claimants. } L. V. 6650.

And the said claimants, by Charles H. Reed and Edmund Jussen, their attorneys, having first obtained leave of court for a further and amended answer in their behalf, came and defend the wrong and injury, when, etc., and say actio non, because they say that heretofore, to wit, on the 27th day of December, A. D. 1875, at Chicago, viz, at said northern district of Illinois, the said plaintiffs and the said claimants entered into an agreement by which it was, among other things, agreed, that if Burton M. Ford, one of said claimants, would testify on behalf of the plaintiff, frankly and truthfully, when required, in reference to a conspiracy among certain government
58 officials in the internal revenue service, and other parties, then known to exist, whereby the honest manufacture of distilled spirits and the collection of tax thereon had been rendered practicable impossible, and should plead guilty to one count in an indictment then pending against them in said district court, and should withdraw their pleas in certain condemnation cases then pending against their property in the said district court, for the purpose only of insuring their good faith in so testifying on behalf of the plaintiff, the said plaintiff would recall any and all assessments under the internal revenue law then made against said claimants, and that no more assessments under said law should be made against said claimants, and that no more proceedings against said claimants should be commenced on account of violation of the internal revenue laws then passed, and that no penalties or forfeitures should in any manner be enforced or recovered against them and their property, and that all suits for penalties and forfeitures then pending against them and their property should be dismissed, and that full and complete immunity, both civil and criminal, should be granted to the said claimants.

And these claimants aver that the said Burton M. Ford, one of
59 said claimants, and each of them, have fully and faithfully performed said contract on their part.

And they further aver that this suit is for the condemnation and confiscation of their property, originally seized by the said plaintiff and the ground of said alleged violation of the internal revenue law on the part of the said claimants, alleged to have been committed by them prior to entering into said agreement, and is one of the said suits which the said plaintiff, under the terms of said agreement, fully kept and performed on the part of the claimants as aforesaid, agreed to dismiss and discontinue, and that the prosecution of this suit is contrary to and in violation of said agreement, entered into as aforesaid between the said plaintiff and said claimants; and this these claimants are ready to verify; wherefore they pray judgment if the plaintiff ought to have its aforesaid action against them, etc.

CHAS. H. REED,
EDWARD JUSSEN,
Att'ys for Claimants.

(Endorsed): Filed Nov. 15, 1877. Wm. H. Bradley, clerk.

60 And afterwards, to wit, on the sixteenth day of November, being of the October term, A. D. 1877, of said court, in the record of the proceedings of said court in said cause appears the following entry, to wit:

THE UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY. } Information.

Now comes the defendants' attorney, and now come also the claimants of said property by their attorney, and the claimants, by their attorney, move the court upon affidavit filed to continue this cause.

And after hearing the arguments of counsel the court overrules said motion.

61 And on the same day, to wit, November sixteenth, A. D. 1877, there was filed in said court in said cause a demurrer to said plea, which said demurrer is in words and figures following, to wit:

In the district court of the United States of America for the northern district of Illinois.

THE UNITED STATES, ETC.,
vs.
ONE STILL, ETC. } No. 6650. Information.

And Mark Bangs, now attorney of the said United States for the district aforesaid, who for the said United States in this behalf prosecutes, as to the plea of the said claimants in this behalf, called a further and amended answer, for the said United States says that the said plea, and the matters therein contained, in manner and form, etc., are not sufficient in law to bar the said United States, etc., and that he is not bound by law to answer the same; and this the said attorney, who prosecutes as aforesaid for the said United States, is ready to verify; wherefore, for want of a sufficient plea in this behalf, the said attorney, who prosecutes as aforesaid for the said United States, prays judgment, etc.

MARK BANGS,
U. S. Attorney.

62 (Endorsed:) Filed Nov. 16th, 1877. Wm. H. Bradley, clerk.

63 And afterwards, to wit, on the seventeenth day of November, being of the October term, A. D. 1877, in the proceedings of said court in said cause appears the following entry, to wit:

THE UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY. } Information.

Now comes the district attorney, and now come also the claimants by their attorneys, and now comes on to be heard the demurrers of the complaint to the amended answer of the claimants filed herein on the fifteenth instant, and, after hearing the arguments of counsel, the court overrules said demurrer, and on motion of the district attorney leave is given to file several replecations herein.

64 And afterwards, to wit, on the nineteenth day of November, A. D. 1876, there was filed in said court in said cause a repleca-

tion to said plea, which said replecation is in words and figures following, to wit:

In the district court of the United States of America for the northern district of Illinois. October term, 1877.

THE UNITED STATES
vs.
ONE STILL AND OTHER PROPERTY. } No. 6650. Information.

And the said attorney for the said United States, who for the said United States, in this behalf, now prosecutes, as to the plea of the said claimants by them above pleaded, for the said United States says that by reason of anything in the said plea alleged they ought not to be barred, etc., because he says that the said United States did not agree with the said claimants in manner and form as they have above in their said plea alleged; and this the said attorney for the said United States, who prosecutes as aforesaid for the said United States, prays may be inquired of by the country, etc.

65 And for a further replication to the said plea of the said claimants, by leave of the court, etc., the said attorney for the said United States, who prosecutes as aforesaid for the said United States, says that they ought not to be barred, etc., because, he says, that the said claimants have not fully and faithfully performed the said alleged contract on their part in manner and form as they have above in their said plea alleged; and this the said attorney for the said United States, who prosecutes as aforesaid for the said United States, prays may be inquired of by the country, etc.

And for a further replication to the said plea of the said claimants, by leave of the court, etc., the said attorney for the said United States, who prosecutes as aforesaid for the said United States, says that they ought not to be barred, etc., because, he says, that this suit is not one of the suits which the said United States, under the terms of the said alleged agreement, agreed to dismiss and discontinue in manner and form as the said claimants have above in their said plea alleged; and this the said attorney for the said United States, who prosecutes as aforesaid for the said United States, prays may be inquired of by the country, etc.

66 MARK BANGS,
United States Attorney.

(Endorsed:) Filed Nov. 19, 1877. W'm H. Bradley, clerk.

67 And afterwards, to wit, on the twentieth day of April, 1878, being of the March term, A. D. 1878, in the record of the proceedings of said court in said cause appears the following entry, to wit:

THE UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY. } Information.

Now come the parties, by their attorneys, and, on motion of the district attorney, leave is given the plaintiff to withdraw all replications heretofore filed, with plea of the respondents herein, with leave to the plaintiffs to file a demurrer to said plea.

68 In the district court of the United States of America for the northern district of Illinois, May term, 1873.

THE UNITED STATES, ETC., *vs.* ONE STILL, ETC. } No. 6650. Information.

And Mark Bangs, now attorney of the said United States for the district aforesaid, who for the said United States in this behalf prosecutes, as to the plea of the said claimants in this behalf, called a further and amended answer, for the said United States says that the said plea and the matters therein contained, in manner and form, etc., are not sufficient in law to bar the said United States, etc., and that he is not bound by law to answer the same, and this the said attorney, who prosecutes as aforesaid for the said United States, is ready to verify. Wherefore, for want of a sufficient plea in this behalf, the said attorney, who prosecutes as aforesaid for the said United States, prays judgment, etc.

MARK BANGS,
U. S. Attorney.

(Endorsed:) Filed May 9, 1878. Wm. H. Bradley, Clerk.

69 For the United States district court for the northern district of Illinois.

THE UNITED STATES OF AMERICA *vs.* ONE STILL AND OTHER PROPERTY. }

SAME *vs.* 50 BARRELS OF WHISKY. }

It is hereby stipulated by Burton M. Ford, Williard W. Oliver, and James Connor, the claimants of the said property, that they will make an immediate attempt to have said causes settled and compromised by the departments at Washington, and that in case the said departments refuse or decline to settle or compromise the same, the said claimants will not require the said United States to prove the original causes of action or liabilities of the said claimants; but that on the trial of said causes, the said claimants will admit the original causes of action and liabilities, and will not interpose any defense or defenses, except the agreement made with them when said claimant, Ford, turned
70 State's evidence and became a witness for the government. Said cases are to be tried or disposed of during the next term of said court, and all liens reserved.

Aug. 6th, 1877.

CHARLES H. REED,
Attorney for Claimants.

I hereby protest that the said agreement affords the said defendants no defense in said suits.

MARK BANGS,
U. S. Att'y.

(Endorsed:) Filed June 11, 1878. Wm. H. Bradley, clerk.

71 And afterwards, to wit, on the twelfth day of June, A. D. 1878, being one of the judicial days of the May term, A. D. 1878, of

said court, in the record of the proceedings of said court in said entitled cause appears the entry of the following final order and decree, to wit:

THE UNITED STATES OF AMERICA
vs.
ONE STILL AND OTHER PROPERTY. } 1003, 6650. Information.

Now comes the district attorney, and the claimants of said property, erty, Burton M. Ford, Williard W. Oliver, and James Conner, come also, by Edmund Jussen and Charles H. Reed, their attorneys, and the court being now fully advised as to the demurrer of the United States to the plea filed herein, alleging that said claimants had been used as witnesses by the United States in criminal transactions against their accomplices, and had thereby become entitled to immunity from the forfeiture prayed in this case, by reason of agreement made with the United States, heretofore submitted to the court upon the arguments of the district attorney and the arguments of the attorneys for said claim-

72 ants, doth find, both from the admissions made by said demurrer, and also from facts appearing upon the record, and within the judicial knowledge of the court, that said claimants were used as witnesses by the government in criminal cases against their associates upon the promise and understanding that this case should be no further prosecuted. It is therefore ordered by the court that said demurrer be overruled, and this cause is dismissed, both by reason of the defense set up in said plea, and also because of the finding of the court, from the facts appearing in the record and within the judicial knowledge of the court, that this cause ought not to be further prosecuted by the plaintiffs. And thereupon the United States, by Mark Bangs, district attorney, pray an appeal to the circuit court, which is allowed.

73 NORTHERN DISTRICT OF ILLINOIS, *ss:*

I, William H. Bradley, clerk of the district court of the United States for said northern district of Illinois, do hereby certify the above and foregoing to be a true, correct, and complete transcript of all the proceedings had in said court in said entitled cause, wherein the said United States of America is the plaintiff and One still and other property is the respondent, as appears from the records and files of said court now remaining in my custody.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at my office in the city of Chicago, this twenty-first day of June, A. D. 1878.

[SEAL.] WM H. BRADLEY, *Clerk.*

(Endorsed:) Filed June 22, 1878. W'm H. Bradley.

74 Afterwards, to-wit, on the 22d day of June, A. D. 1878, in the adjourned May term of said court, in the record of the proceedings thereof in said entitled cause, before the Hon. John M. Harlan, one of the justices of the Supreme Court of the United States, is the following entry, to wit:

THE UNITED STATES OF AMERICA
v.
ONE STILL AND OTHER PROPERTY. }

Now comes the district attorney, and come also the claimants of said property, by Edmund Jussen and Charles H. Reed, their attorneys, and

thereupon the cause is set down for hearing upon the record from the district court filed herein, and after hearing a part of the arguments of counsel, the hour of adjournment having arrived, the further hearing is postponed until Monday morning next.

Afterwards, to wit, on the 24th day of June, A. D. 1878, in the said adjourned May term of said court, in the record of the proceedings thereof in said entitled cause, before the Hon. John M. Harlan, one of the justices of the Supreme Court of the United States, is the following entry, to wit:

THE UNITED STATES OF AMERICA }
v.
ONE STILL AND OTHER PROPERTY. }

75 Now come again the district attorney, and the claimants, by their attorneys, and after hearing the concluding arguments of counsel upon the issue herein, the court takes the same under advisement.

And afterwards, to wit, on the 30th day of September, A. D. 1878, in the July term of said court, in the record of the proceedings thereof, in said entitled cause, before the Hon. John M. Harlan, one of the justices of the Supreme Court of the United States, is the following entry, to wit:

THE UNITED STATES OF AMARICA }
v.
ONE STILL AND OTHER PROPERTY. }

This cause having heretofore been set down for hearing upon the record from the district court herein, and heard by the court, and taken under advisement, and the court having considered, and being now sufficiently advised in the premises, affirms the judgment of the district court herein. It is thereupon considered by the court that this cause be dismissed.

76 NORTHERN DISTRICT OF ILLINOIS, *ss:*

I, William H. Bradley, clerk of the circuit court of the United States for said district, do hereby certify the above and foregoing to be a true, correct, and complete transcript of the record of all the proceedings had in said court in the cause wherein the United States of America is the plaintiff and One still and other property is the defendant, as the same appears from the files and records of said court now remaining in my custody and control.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at my office in Chicago, in said district, this 15th day of October, A. D. 1878, and of our Independence the 103d year.

[SEAL.] WM. H. BRADLEY, *Clerk.*

77 UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

The United States of America to the judges of the circuit court of the United States for the northern district of Illinois, greeting:

Because in the record and proceedings, as also in the rendition of a judgment in a plea which is before you in said circuit court between the

United States of America, plaintiffs, and One still and other property, defendant, and Burton M. Ford, Walter W. Oliver, and James Conner, claimants, a manifest error hath happened, to the great damage of the said the United States of America, as by their complaint appears, and it being fit that the error, if any there has been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, you are hereby commanded, if judgment be given therein, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday of October, A. D. 1878, in the Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the law and custom of the United States should be done.

Witness the Hon. Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this thirteenth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, and of the Independence of the United States the 103d year.

[SEAL] WM. BRADLEY, *Clerk.*

(Indorsed): Supreme Court of the United States. United States of America *vs.* One still and other property, Burton M. Ford, et al., claimants. Writ of error.

78 UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

To Burton M. Ford, Walter W. Oliver, and James Connor, greeting:

You are hereby cited and admonished to be and to appear at a Supreme Court of the United States, to be holden at Washington, on the second Monday of October, A. D. 1878, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the northern district of Illinois, wherein the United States of America are plaintiffs, One still and other property, defendant, and Burton M. Ford, Walter W. Oliver, and James Connor, claimants, to show cause, if any there be, why the errors in said writ mentioned should not be corrected and speedy justice should not be done to the parties in that behalf.

Witness the Hon. Henry W. Blodgett, judge, this 10th day of October, in the year of our Lord one thousand eight hundred and seventy-eight.

H. W. BLODGETT, *Judge.*

79 I hereby accept service of the within writ of citation, and enter the appearance of the within-named Burton M. Ford, Walter W. Oliver, and James Connor.

Chicago, Oct. 10, 1878.

CHAS. H. REED &
EDMUND JUSSEN,
Atty's for Claimants.

(Indorsed:) Supreme Court of the United States. The United States of America *vs.* One still and other property. Citation to October Term A. D. 1878.

I have served the within writ of citation upon Charles H. Reed, attorney of record for the within-named claimants, Burton M. Ford, Walter W. Oliver, and James Conner, by personally delivering a true copy of

the same to said Reed this 10 day of October, A. D. 1878. I also personally served the same upon Edward Jussen, one of the attorneys, by reading the same to him this 10 day of October, A. D. 1878.

J. S. HILDRUP,
U. S. Marshal.
D. D. SABIN,
Deputy.

Marshal's fees, 2 services, 400.

(Indorsement on cover:) No. 931. The United States, plaintiff in error, *vs.* One still and other property, Burton M. Ford, Walter W. Oliver, & James Connor, claimants. N. Illinois C. C. U. S. Filed 21st October, 1878.